

REMARKS

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Support for the amendments to claims 1, 10, and 15 is found, for example, at page 5, lines 22-23; page 8, lines 1-4 and 23-24; and page 9, lines 13-26 of the specification.

The Office has objected to the specification requiring that the "Cross Reference to Related Applications" be updated to reflect the serial number and filing date missing on page 1, line 30. In addition, the Office suggests that the "Cross Reference to Related Applications" section be moved to between the Title and the Field of the Invention section. These objections are obviated in view of the above amendments.

The Office has rejected claims 1, 6, and 10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,951,441 to Dalebout et al. ("Dalebout"), rejected claims 2-3, 11, and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over Dalebout in view of U.S. Patent No. 1,728,673 to Driver ("Driver"), and has rejected claims 7-9, 12-14, and 21-23 under 35 U.S.C. § 103(a) as being unpatentable over Dalebout. More specifically, the Office asserts that Dalebout discloses a belt including a substrate (18/50) having first and second surfaces and first and second ends which form a seam and an elastomer (20/30) having first and second ends and surfaces, wherein the elastomer is adjacent and in contact with the first surface of the substrate and the first and second ends of the elastomer form a seam. In addition, the Office asserts that Driver discloses a belt with adjacent materials (1,2) in contact with each other having interlocking ends in order to create a smooth, flat surface to strengthen the seamed joints.

Neither Dalebout nor Driver, alone or in combination, anticipate, suggest, or disclose a seamed, conformable belt having a substrate and an elastomeric layer or a method for making such a seamed, conformable belt, wherein the first end and the second end of the elastomeric layer form a "second, detachable, substantially planar, interlocking puzzle cut seam," as recited in amended claims 1 and 15, or a seamed, conformable belt having a substrate and an elastomeric layer, wherein the first end and the second end of the elastomeric

layer are bonded to form a “second, substantially planar, interlocking puzzle cut seam,” as recited in amended claim 10. As used herein, in an interlocking puzzle cut seam the two ends interlock with one another in the manner of an ordinary puzzle, such that the ends are held together (i.e., mechanically locked together), at least in part, by the geometric relationship between the ends (see page 5, lines 22-23; page 8, lines 1-4 and 23-24 of the specification).

In particular, Dalebout relates to a treadmill belt 14 (see col. 3, lines 26-27). The Office’s attention is respectfully directed to col. 3, line 33 to col. 4, line 9 of Dalebout which states that the treadmill belt includes a base layer 26, which can comprise a woven fabric material, natural materials, or combinations thereof that are preferably non-extendible, and a stabilizing layer 28 over top of base layer 26, which can comprise polyvinylchloride, urethane, epoxy resins, and other polymeric resins, where the base layer 26 and stabilizing layer 28 form a compound layer 30. The ends 32 and 34 of the compound layer are attached to each other by heating fingers extending from the ends 32 and 34 to melt the fingers together, thereby forming a continuous engagement belt 48 (col. 4, lines 19-34). The Office’s attention is respectfully directed to FIG. 4 of Dalebout, which shows the fingers 42 and 44 as having a zigzag conformation. In addition, a cushion layer 50, which can comprise any resiliently compressible organic foam material, is attached to a top surface of the engagement belt 48 (col. 4, lines 39-43). The ends of the cushion layer 50 are attached to each other by stitching, adhesives, or tapes (col. 5, lines 5-11). The ends of the cushion layer 50 are not further described in Dalebout. Thus, as Dalebout teaches either melting of the ends of the compound layer 30 to adhere them together or adhering the ends of the cushion layer 50 by stitching, adhesives, or tapes, Dalebout neither discloses nor suggests the formation of an elastomeric layer having a detachable (i.e., unattached), substantially planar seam, as required by claims 1 and 15. Moreover, Dalebout neither discloses nor suggests an elastomeric layer having an interlocking puzzle cut seam, as required by claims 1, 10, and 15. At most, Dalebout discloses fingers having a zigzag conformation, which will not mechanically lock together the ends (i.e., fingers having a zigzag conformation are not interlocking puzzle cut seams).

Moreover, Driver relates to an abrasive belt (e.g., sanding belt) including a body portion 1 having cutout portions 3 and 4 on one side and a series of perforations 5 at the

same position as the cutout portions (page 1, lines 69-80). The Office's attention is respectfully directed to page 1, line 81 to page 2, line 13 of Driver which states that after tearing the belt at the position of the perforations 5 and cutout portions 3 and 4, the scalloped projecting ends resulting from tearing across the perforations are joined by gluing fabric or other tape 7 and 8 in the cutout portions 4 and 3, respectively. Driver neither discloses nor suggests an elastomeric layer having an interlocking puzzle cut seam, as required by claims 1, 10, and 15. At most, Driver discloses scalloped projecting ends, which will not mechanically lock together the ends (i.e., scalloped projecting ends are not interlocking puzzle cut seams).

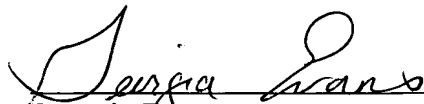
The use of an interlocking puzzle cut seam, which mechanically locks the ends together when mating, in accordance with the present invention allows adjacent ends of the elastomeric layer to mold into each other when subjected to heat and/or pressure, thereby forming a tight, planar seam in the elastomeric layer (page 5, lines 22-25 of the specification). Moreover, as set forth at page 5, lines 26-31 of the specification, the lack of bonding between the ends of the elastomeric layer enables the elastomeric layer of the belt to be easily replaced, without the need for replacing the substrate. Further, the lack of bonding between the ends of the elastomeric layer eliminates the need for selecting a bonding agent, e.g., an adhesive, of appropriate conformability and modulus of elasticity to join together the ends of the elastomeric layer.

Accordingly, in view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw the rejection of claims 1, 10, and 15. Since claims 2-9 depend from and contain the limitations of claim 1, claims 11-14 depend from and contain the limitations of claim 10, and claims 16-23 depend from and contain the limitations of claim 15, they are distinguishable over Dalebout and Driver and are patentable in the same manner as claims 1, 10, and 15, respectively.


In view the foregoing amendments and remarks, it is believed that this application is in condition for allowance. A notice to this effect is respectfully requested. Should any further questions arise concerning this application, the Examiner is invited to call the Applicants' attorney at the number listed below.

Respectfully submitted,

Date: September 30, 2003


Georgia Evans
Registration No. 44,597

NIXON PEABODY LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1672
Facsimile: (585) 263-1600

Certificate of Mailing - 37 CFR 1.8(a)	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450, on the date below.	
Date 9/30/03	 Peggy Dimmyer